IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5451 OF 2007

Sanjay Uttan Ghadge & Ors..... Petitioner

versus

Minister of State for Co-op & ors..... Respondent.

Shri Dilip Bodake for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 30TH JULY, 2007

P.C.:

1. Section 73 (1AB) mandates that the members of the committee shall be jointly and severally responsible for all the decisions taken by the committee during its term relating to the business of the society. The said provision casts an obligation on the members to execute a bond within 15 days of the assumption of the office in the form prescribed. The present petitioners are the elected members of the Managing Committee who had assumed the charge on 15-1-2005. Thus the petitioners were under an obligation to execute the bond by the end of January 2005. However, admittedly the present petitioners have executed the bond belatedly on 8-7-2005. On account of failure on the part of the petitioners to execute the bond, the Asstt. Registrar has initiated proceedings under

section 78 and has passed an order of supersession of the managing committee, and at its place appointed an administrator. The order was challenged by filing an appeal before the Divisional Joint Registrar which has been dismissed and aggrieved thereby a revision was carried before the State Government and the rejection of the revision has given raise to filing of the present writ petition.

2. Perused the order. The same takes correct view of the matter. On account of failure on the part of the petitioners, to execute the bond as required by section 73 (1AB) the petitioners have incurred disqualification and hence their removal under section 78 is legal and proper.

3. No case is made out. Writ petition is summarily dismissed.

....